

UNITED STATES DISTRICT COURT
DISTRICT OF NEW HAMPSHIRE

William Soler Justice

v.

Case No. 20-cv-517-PB

Christopher T. Sununu et al.

SERVICE ORDER

Plaintiff William Soler Justice brings this action pursuant to 42 U.S.C. § 1983, alleging that the defendants have violated his federal constitutional and statutory rights, and are liable to him under state law. Mr. Justice's complaint (Doc. No. 1) is before the court for preliminary review pursuant to 28 U.S.C. §§ 1915(e)(2) and LR 4.3(d)(2).

Additionally, Mr. Justice has filed a motion to correct the Report and Recommendation (Doc. No. 15) issued on February 16, 2022. The Court has granted that motion in a separate Order and has issued an Amended Report and Recommendation simultaneously with this Order.¹ Similarly, the Court now vacates the February 16, 2022 Order (Doc. No. 16) directing service, and issues this Amended Service Order.

¹ In the Amended Report and Recommendation, the Court has made the specific changes Mr. Justice requested in his motion to correct. Further, both the Amended Report and Recommendation and this Amended Service Order reflect Mr. Justice's May 9, 2022 legal name change (from William Soler Jr. to William Soler Justice).

As stated in the Amended Report and Recommendation issued this date, the Court finds that the following claims asserted in the complaint are sufficiently stated to allow them to proceed in this matter. Accordingly, the Court directs service of the claims, as identified in the Amended Report and Recommendation, on the following defendants in their individual capacities:

- Claims 1(a)(i)-(v) and 3 on New Hampshire Department of Corrections ("DOC") Corrections Officer "CO" Joshua N. Deblois;
- Claims 1(b)(i)-(ii), 1(c)(ii), 1(d)(i), and 2(b)(i)-(ii) on DOC CO Frank Logan;
- Claim 1(c)(i) on DOC CO Randal G. Carver;
- Claim 1(d)(ii)-(iii) on DOC CO Nathaniel P. Seaborn;
- Claim 2(a) on DOC CO Mark J. Kimball;
- Claim 4 on unnamed defendants;²
- Claim 11 on DOC Commissioner Helen E. Hanks, DOC Medical and Forensic Services Director Paula L. Mattis, the Secure Psychiatric Unit ("SPU") Medical Director Dr. Daniel P. Potenza, SPU Administrator Deborah Robinson, and SPU Nurse Coordinator Carlene Ferrier;
- Claim 15(a) on CO Joshua N. Deblois, CO Frank Logan, CO Randal G. Carver, and CO Nathaniel P. Seaborn;
- Claim 15(b) on CO Joshua N. Deblois, CO Frank Logan, CO Randal G. Carver, CO Nathaniel P. Seaborn, and CO Mark J. Kimball;
- Claims 15(c)(i)-(iii) on CO Joshua N. Deblois, CO

² Mr. Justice will have to amend his complaint to identify the defendants to this claim by name once he is able to obtain their names in discovery.

Frank Logan, CO Randal G. Carver, CO Nathaniel P. Seaborn, and CO Mark J. Kimball;

- Claim 15(d) on all of the defendants served in the above-listed claims;
- Claim 15(e) on all of the defendants served in the above-listed claims; and
- Claims 15(h)(i)-(ii) on DOC Commissioner Helen E. Hanks, DOC Medical and Forensic Services Director Paula L. Mattis, the Secure Psychiatric Unit ("SPU") Medical Director Dr. Daniel P. Potenza, SPU Administrator Deborah Robinson, and SPU Nurse Coordinator Carlene Ferrier.

The clerk's office is directed to serve the New Hampshire Office of the Attorney General ("AGO"), as provided in the Agreement on Acceptance of Service, electronic copies of the Complaint (Doc. No. [1](#)); the November 9, 2022 Motion to Correct (Doc. No. 27); the Amended Report and Recommendation issued this date; and this Order. Within thirty days of receipt of these materials, the AGO must submit an Acceptance of Service notice to the court specifying whether the defendants have authorized the AGO to receive service on their behalf. If the defendants accept AGO representation, service will be deemed made on the last day of the thirty-day period once the AGO files the Acceptance of Service notice.

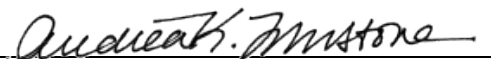
If any defendant does not authorize the AGO to receive service on his or her behalf, or the AG declines to represent any defendant, the AGO shall, within thirty days from receipt of the above-listed materials, provide to the court the last known

address of such defendant(s). In that event, the Clerk's office is instructed to complete and issue a summons for each such defendant, using the last known address provided, and to forward the summons(es), along with copies of the documents listed above, to the United States Marshal for the District of New Hampshire, to complete service on the defendant(s) in accordance with this Order and [Fed. R. Civ. P. 4\(c\)\(3\)](#) and 4(e).

Defendants are instructed to answer or otherwise plead within twenty-one days of service. See [Fed. R. Civ. P. 12\(a\)\(1\)\(A\)](#).

After the complaint and other documents listed above are served, the parties may serve documents on one another, or their attorney(s) who have appeared in this action, in accordance with [Fed. R. Civ. P. 5\(b\)](#) or AP 2.8(b), as a party using the electronic filing system will receive notice when any party's documents are filed in the court. Discovery that may not be filed in court must be served by mail. A certificate of service must be included with all filings, in accordance with [Fed. R. Civ. P. 5\(d\)\(1\)](#) and LR 5.1(d).

SO ORDERED.


Andrea K. Johnstone
United States Magistrate Judge

December 2, 2022

cc: William Soler Justice